

REMARKS

This amendment is in response to the Office Action mailed March 17, 2006. Claims 1-18 were pending. In the Office Action, Claims 1-18 were rejected. Claims 1, 10 and 18 have been amended. Claims 1-18 are now pending.

The claims and specification have been amended to address the concerns raised by the Examiner. With respect to the objection caused by the informal use of IP instead of Internet Protocol in claims 1, 10 and 18, those claims have been amended by replacing IP with Internet Protocol. Applicant requests reconsideration and removal of the informality objection.

Claim Rejections - 35 U.S.C. § 112

Claim 1, 10, and 18 has been rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claim 1 stands rejected under 112 2nd paragraph as being unclear as to the relationship between “data” on line 1, line 2 and line 15; and line 14’s use of “may include”. Claim 1 has been amended to clarify the relationship between the uses of “data” on line 1 and line 2. The reference to “data” on line 15 has been deleted along with the “may include” clause beginning on line 14.

Claim 10 stands rejected under 112 2nd paragraph as being unclear as to the relationship between “data” on line 1 and line 2. Claim 10 has been amended to clarify the relationship between the uses of “data” on line 1 and line 2.

Claim 11 stands rejected under 112 2nd paragraph as being unclear as to the relationship between “data” on line 1 and line 2 of Claim 10 and line 14 of Claim 11. Claim 11 has been amended to clarify the relationship between the uses of “data” on line 14.

Claim 18 stands rejected under 112 2nd paragraph as being unclear as to the relationship between “data” on line 17, line 18 and line 7(pg 74); and line 7’s use of “may include”. Claim 18 has been amended to clarify the relationship between the uses of “data” on line 17 and line 18. The reference to “data” on line 7 has been deleted along with the “may include” clause beginning on line 7.

Claim Rejections - 35 U.S.C. § 102

Claims 1-6, 9-15, and 18 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6757696, hereafter known as Multer. Multer describes a synchronization agent management server coupled to a network having a plurality of synchronization agents coupled thereto in communication with the management server, comprising a user login authenticator, a user data flow controller, and a unique user identification controller. The management server communicates with at least one interactive agent to control data migration between a computer to a network storage device. In one aspect, the management server is part of a data synchronization system for data between network coupled devices which includes a storage server having a data store of change transactions coupled to the network.

All of the independent claims, claims 1, 10 and 18, have been amended to recite, with respect to the type of data replicated, that said replicated data is replicated on a volume basis.

Support may be found throughout the specification, at least at page 14 line 9 through page 15 line 2, page 14 lines 16-19, page 20 line 9 through page 22 line 13, and page 53 lines 9-14.

The amendments make clear that Multer did not anticipate the claimed invention. Multer does not disclose replicating data on a volume basis as recited in all of the independent claims. In fact, Multer makes no mention of volumes at all.

The dependent claims are patentable for at least the same reasons stated above.

Claim Rejections - 35 U.S.C. § 103

Claims 7-8, and 16-17 have been rejected under 35 U.S.C. 103(a) as being obvious and thus unpatentable over Multer in view of US Patent Number 5751813, hereafter known as Dorenbos. Neither Multer nor Dorenbos discloses replicating data on a volume basis as recited in all of the independent claims 1 & 10 upon which the dependent claims 7-8, and 16-17 are respectively based. Neither Multer nor Dorenbos makes any mention of volumes at all. Thus, claims 7-8, and 16-17 are not obvious over Multer and Dorenbos.

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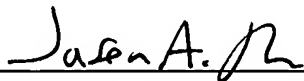
In view of the foregoing, the Applicant believes that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-7074.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

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